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SUBJECT: NGOS ASSIST HILL TRIBES IN DIVERSE WAYS, BUT CAPACITY  
STRETCHED THIN

REF: A. 08 CHIANG MAI 140 (HILL TRIBE RELOCATIONS)  
[1](#)B. 08 CHIANG MAI 192 (HILL TRIBE STATELESSNESS TRENDS)  
[1](#)C. CHIANG MAI 2 (CITIZENSHIP MANUAL)

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Summary and Comment  
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[1](#)1. (U) Although the Royal Thai Government (RTG) passed two laws in 2008 that improved citizenship eligibility, stateless persons living in northern Thailand still face a host of legal, administrative, and practical obstacles to citizenship. Recognizing the many disadvantages confronting stateless persons, the many NGOs, academics, and faith-based groups who work with ethnic hill tribe minorities in the North have responded to these challenges in diverse ways. Examples include providing legal advice about the citizenship process, appealing cases of revoked citizenship, improving livelihoods in the face of resource constraints, exposing corruption among local officials responsible for processing citizenship applications, and educating government authorities about the issues faced by stateless persons. Post will continue its outreach to groups working on hill tribe citizenship issues, with the aim of creating linkages between groups and increasing awareness of issues related to statelessness.

[1](#)2. (SBU) Comment: Although there is no doubt that NGOs and legal organizations have helped a great number of highlanders obtain citizenship, the scale of the problem remains daunting. Struggling to meet the growing demand for legal assistance, NGOs have reached a turning point where aiding each individual in the preparation of his or her case is no longer feasible. Instead, NGOs have begun to advise groups on how to proceed with their own citizenship claims and have encouraged them to assist others with similar concerns. There is evidence that, with just a little guidance, many highlanders can successfully obtain citizenship on their own. For those with more complicated cases, however, navigating the complex waters of Thai citizenship law may still require more hands-on assistance from legal experts. End Summary and Comment.

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Legislation Improved, but Implementation Still Problematic  
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13. (U) Approximately half of Thailand's ethnic hill tribe minorities remain stateless and continue to face many problems associated with this lack of citizenship (refs A and B). The most recent survey of the highland population, conducted in 1999, revealed that at least 378,000 highlanders were still without Thai citizenship or permanent residency. While some of these non-citizens may have obtained citizenship since 1999, there are still many highlanders in need of official documentation.

14. (U) The Nationality Act of 2008 expanded citizenship eligibility to some previously ineligible individuals, and the Civil Registration Act of 2008 amended earlier laws regarding household registration and birth certificate procedures (ref B). While these recent legislative changes have ostensibly improved citizenship eligibility, ambiguities regarding the implementation of these laws still remain. This cable will focus on the ways in which NGOs, faith-based groups, and legal organizations continue to address the problem of hill tribe statelessness.

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The Barefoot Lawyers  
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15. (U) In 2002, the Mae Ai district office of northern Chiang Mai province revoked the citizenship of over 1,200 highlanders

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there based on suspicion that some individuals had obtained their citizenship fraudulently. As a result, the citizenship of their children was also automatically rescinded. Several organizations, including the National Human Rights Commission, Payap University, and the Law Society of Thailand, helped the newly stateless take their case to the Chiang Mai Administrative Court. Three years later, the Court ordered the Ministry of the Interior to reinstate their citizenship. This victory was tempered by the fact that the citizenship of their children was not automatically reinstated.

16. (U) Several of the people who had their citizenship revoked in 2002 became staff members at the Mae Ai Legal Clinic. Known as the "barefoot lawyers," they use their own experiences to advise others on the citizenship process. The clinic was founded and is operated by Chiang Mai's Payap University and is funded by UNICEF.

17. (U) The success of the clinic has attracted more and more clients, including many not linked to the 2002 case. As a result, the volume of legal inquiries now exceeds the clinic's capacity. As such, the clinic has changed its approach to legal assistance. While staff members previously counseled individuals on a case-by-case basis, the clinic is now equipping groups to act on their own behalf. The clinic instructs one hundred people at a time, separated into five groups based on their category of citizenship eligibility, via a three day "citizenship crash course" at the clinic. Each of the participants is required to research his or her family background and prepare the necessary legal documents. Once a "student" completes the course, he/she is able to advise others facing similar legal hurdles to citizenship. In addition, law professors from Payap University are producing a manual that

individuals with citizenship concerns can reference.

18. (SBU) Staff members at the Mae Ai Legal Clinic note that while corruption among local registrar authorities is still prevalent (ref B), outright dismissals of citizenship applications have decreased, as the local officials seem to realize that many villagers are now quite knowledgeable about the new citizenship laws.

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Administrative and Practical Obstacles  
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19. (SBU) Staff members at the Mae Ai Legal Clinic describe the following administrative and practical obstacles to citizenship (see also ref B):

--When babies are delivered in a village (and not in a hospital), the village head is required to register the birth at the district office. However, because many communities find it difficult to pay for the village head's transportation costs, some births go unregistered.

--Local registrar authorities often request expensive DNA tests when parents apply for citizenship for their children. Requests for DNA tests are often made even when witnesses can confirm a child's place of birth and parentage.

--When Thai-citizen mothers attempt to register the birth of a child, their own citizenship may be questioned by local authorities. As a result, a child's citizenship application could possibly put the mother's citizenship at risk of revocation.

--Timely processing of citizenship applications often requires the payment of bribes to local authorities.

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Give a Man a Fish...  
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10. (U) While some NGOs focus on providing legal advice to stateless highlanders, other groups enhance the livelihoods of hill tribe communities. The Upland Holistic Development Project (UHDP), an American faith-based NGO, teaches hill tribe households how to support themselves on small plots of land. Specializing in both subsistence and cash crop backyard farming methods, UHDP is currently advising 21 communities in upper Chiang Mai province on projects related to sanitation, sustainable agriculture, and alternative fuels. In order to balance the goals of conservationists and forestry officials with the livelihood needs of hill tribe communities, UHDP is

also developing innovative agroforestry techniques which emphasize crop diversification and the use of indigenous species.

¶11. (U) Staff members at UHDP note that citizenship remains the top priority for the communities in which they work. While highlanders are certainly interested in learning new agricultural techniques, many find it difficult to invest in their land and resources, knowing that without citizenship they could be relocated or deported at any time.

¶12. (SBU) UHDP staff members express concern about land tenure rights in hill tribe communities. In the past, RTG forestry officials have moved highlanders from their homes in order to establish national parks (ref A). In order to prevent future relocations, UHDP helps local communities map their land use with geographic information systems. Community mapping is especially important in communities that rely on agroforestry. Unlike traditional rice paddies, agroforestry plots appear to be intact (and therefore unused) forest ecosystems. As such, farmers face the risk of being displaced by officials seeking "pristine" forests for national parks. As one staff member notes, "Your success [as an agroforestry farmer] can be your undoing."

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Tension Grows between NGOs and Local Authorities  
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¶13. (SBU) Staff members from a legal aid organization in Chiang Rai province's Mae Suai district say that local authorities continue to solicit bribes at various points in the citizenship application process (ref B). They also note that some local officials see the recent increase in the number of citizenship applications as an opportunity for greater personal profit.

¶14. (SBU) Legal organizations who assist hill tribe communities contend that the relationship between local government authorities and NGOs working with highlanders has deteriorated in recent years. In the past, local officials viewed these NGOs as partners, but accusations by NGOS of government corruption may have soured this relationship. Local officials were particularly angry about a 2001 bribery complaint lodged by one NGO with the Ministry of the Interior. Sources report that witnesses were intimidated during the investigation and that activists feared for their lives. Although the case was referred to the Office of the National Counter-Corruption Commission, it was eventually dismissed.

¶15. (SBU) The deterioration in the relationship between local officials and NGOs assisting highlanders has also been detrimental to those applying for citizenship. NGOs report that local officials may deliberately hold up citizenship applications received from NGOs. As a result, applications filed by NGOs take longer to process than those submitted by individuals.

## Education and Collaboration

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¶16. (U) The law faculty at Naresuan University's branch campus in the northern city of Phayao has established a Legal Aid Center that primarily serves highlanders who face citizenship and other problems. The Center is committed to the education of both law students and local authorities, and adopts a joint consultative strategy in its dealings with government officials.

Instead of working at cross purposes with authorities, this public school's Legal Aid Center collaborates with them on issues related to hill tribe statelessness.

¶17. (U) The Center familiarizes its law students with the problems faced by stateless persons and encourages community service in hill tribe communities. A recent survey conducted by the University's law students collected data on over 1,200 stateless persons in just two days. The school then passed the data to a local NGO, which used it to assist the individuals with citizenship applications.

¶18. (U) The Center also sponsors programs aimed at educating local authorities about the new citizenship laws. Twice a year, the Center organizes a public-private seminar on citizenship matters attended by police, lawyers, local authorities, and officials from the National Security Council and the Ministry of the Interior. The Center also conducts mobile seminars in rural areas.

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## Scale of Problem Still Daunting

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¶19. (U) Many NGOs make large impacts in the local highland communities where they work. However, hundreds of thousands of highlanders still lack citizenship, and existing NGOs struggle to meet the growing demand for legal assistance. Often, their efforts are piecemeal rather than broadly coordinated. Furthermore, stateless persons who live in remote areas beyond the reach of local NGOs may be unable to obtain even modest amounts of legal guidance, making it difficult for them to pursue citizenship.

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